information data, matching the link establishment request, to the other communication apparatus, and (3) transmits, to the other communication apparatus, another link establishment request for the transmission of next information data before terminating a link for transmitting the current information data. The claimed subject matter provides an advantage of supporting timely identification, with a link establishment request and the response thereto, of the propagation environment of a channel with respect to the communication of information data, so as to enhance the average transmission rate of the information data and reduce the deterioration of communication accuracy (see specification page 2, line 24, through page 3, line 5). Stated more simply, by proximately communicating a link establishment request with the communication of information data, the communication of the link establishment request may be used to characterize the channel conditions the information data is likely to experience during its communication. (References herein to the specification and drawings are for illustrative purposes only and are not intended to limit the scope of the invention to the referenced embodiments.)

Cheshire discloses preventing a timeout signal from being generated by an internet application (e.g., web browser) or operating system of a user computer during the period of time the user's modem is establishing a telephone dial-up connection with an Internet service provider (see Cheshire paragraph [0006], lines 1-13). Because the period of time to establish the dial-up connection is generally longer than the timeout period, the generation of one or more timeout signals may create a misunderstanding of the situation by the user and may lead the user to intervene in a way that defeats his purpose of gaining swift access to the Internet (see paragraph [0006], lines 24-35).

To prevent the generation of misleading timeout signals, Cheshire discloses, in Figs. 1 and 5, a DNS proxy 10 that receives 300 a DNS request from a user's browser application (see Cheshire paragraph [0038], lines 1-6, and paragraph [0039], lines 1-3). If DNS proxy 10 determines that a modem 20 has not established 308 a telephone connection to the Internet, then DNS proxy 10 generates an imposter response to the DNS request that causes the user's internet application to resend the DNS request (see paragraph [0040]). The cycle of responding to a retransmitted DNS request with an imposter response continues until the dial-up connection to the Internet is established (see paragraph [0043], lines 7-11).

However, Cheshire's disclosure of repeatedly performing the operational cycle of retransmitting a DNS request in response to receiving an imposter response for a previous DNS request is not the same as the Applicants' claimed subject matter of: (1) receiving a response to a link establishment request, (2) transmitting information data matching the link establishment request, and (3) transmitting another link establishment request for the transmission of next information data before terminating a link for transmitting the current information data. The Final Rejection proposes that Cheshire discloses transmitting information data as part of the DNS request and that this information data, transmitted with the DNS request, matches the DNS request (see Final Rejection page 3, lines 2-9). Keeping this in mind, it becomes evident that Cheshire cannot disclose the Applicants' claimed subject matter of transmitting information data matching a prior link establishment request only after a response to the link establishment request has been received. Instead, according to the Final Rejection's proposal, Cheshire discloses transmitting a DNS request and its matching information data simultaneously, without waiting for an intervening response to the DNS request before transmitting its matching data. Thus, it is

apparent that Cheshire does not identically disclose the subject matter defined by Applicants' claim 8.

Accordingly, the Applicants submit that Cheshire does not anticipate claim 8. Independent claim 14 similarly recites the above-mentioned subject matter distinguishing apparatus claim 8 from the applied references, but with respect to a method. Therefore, the rejections applied to claims 9-13 are obviated and allowance of claims 8 and 14 and all claims dependent therefrom is deemed to be warranted.

Moreover, Cheshire's disclosure relates to preventing a timeout from being generated by an Internet application, such as a browser. Cheshire does not disclose retransmitting a DNS request for the communication of next information data while a link exists for communicating current information data and before such link terminates. Thus, Cheshire does not disclose transmitting another link establishment request for the transmission of next information data before terminating a link for transmitting the current information data, as recited in Applicants' claims 8 and 14. Instead, Cheshire discloses communicating an imposter response to a DNS request that operates to prevent a timeout from being generated.

Therefore, allowance of claims 8 and 14 and all claims dependent therefrom is warranted for this independent reason.

In light of the foregoing, it is submitted that this application is in condition for allowance, and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

/James Edward Ledbetter/

Date: February 18, 2009
JEL/DWW/att

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